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Bava Basra Daf 95

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Come and hear (a proof to Rav Huna that if a buyer comes to sift the produce because he thinks there are too many impurities, and he indeed finds more than one quarter kav – the amount he is required to accept, he can take all of the impurities out and demand pure produce) from the following braisa: In the case of price fraud less than a sixth, the sale is valid. If the fraud was more than a sixth, the sale is void. Now, shouldn't a part of the overcharge be returned [so as to reduce it] to less than a sixth? [But since the law is not so] it may be inferred [that] wherever [a part] is to be returned, all must be returned. [Is this not, then, a confirmation of Rav Huna's statement?]

The Gemora disagrees: Now, is that a comparison!? There, one [the seller] spoke to the other [the buyer] of equal values from the very beginning; only [since] less than a sixth is not noticeable in a maneh, a person does not mind to forego it; a sixth, [however], [since it] is noticeable, one does not forego; [while] more than a sixth is a purchase based on error and is to be entirely voided.

Come and hear (a proof to Rav Huna from the following braisa): [If] one undertakes to plant another's field (with trees), [the owner] must accept ten failures (i.e., barren trees) for every hundred trees. [If the failures are] more than this [number], [the re-planting of] all is imposed upon him. [Is this not a confirmation of the statement of Rav Huna?]

Rav Huna, the son of Rav Yehoshua said: [The two cases cannot be compared, for] wherever [there are] more than this [number of trees] it is the same as if one began to plant [a new field].

A cellar of wine, etc. [he accepts upon himself ten barrels of souring wine per hundred].

The Gemora asks: How is this to be understood? If [it means that] the seller said to the buyer, “[I sell you] a cellar of wine,” without specifying which cellar, there is a difficulty; [and] if [it means that] he said to him, “This cellar of wine,” there is [also] a difficulty; [and] if he said to him, “This cellar,” there is [again] a difficulty. For it has been taught (in a braisa): [If one says], “I sell you a cellar of wine,” he must give him wine all of which is good. [If one said], “I sell you this cellar of wine,” he may give him such wine as is sold in the shop. [If one said], “I sell you this cellar,” the sale is valid even if all of it is vinegar. [How, then, is the Braisa to be reconciled with our Mishnah?]

The Gemora answers: [Our Mishnah], in fact, deals with the case where [the seller] said to him “[I sell you] a cellar of wine,” without specifying which cellar, but read in the first clause of the Braisa [as follows]: [He must give him wine all of which is good] but [the buyer] must accept ten [barrels of] souring wine for [every] hundred.

The Gemora asks: Must one, however, accept [ten barrels of souring wine] when the cellar was not specified? Surely Rabbi Chiya has taught (a braisa): [If] a



person has sold a barrel of wine to another, he must give him wine all of which is good!

The Gemora answers: A barrel is different, because it contains [only] one [kind of] wine.

The Gemora asks: Didn't Rav Zevid of the school of Rabbi Oshaya teach a Braisa as follows: [If the seller says], "I sell you a cellar of wine," he must give him a wine all of which is good; [if he says], "I sell you this cellar of wine," he must give him wine all of which is good and [the buyer must] accept ten barrels of souring wine for [every] hundred. And this is the cellar [about] which the Sages have taught in our Mishnah!?

Rather, our Mishnah also [speaks of the case] where [the seller] said to him, "This."

The Gemora asks: But, if so, there is a contradiction between 'This' (in the Braisa, quoted above, according to which the seller may offer wine all of which is souring) and 'This' (in the Braisa recited by Rav Zevid, which states that all the wine must be good with the exception of ten barrels which may contain souring wine)?

The Gemora answers: There is no contradiction. The one [deals with the case] where [the buyer] said to him [that he required the wine] for cooking; the other, where he did not say to him [that it was required] for cooking.

The Gemora explains: [The Braisa] of Rav Zevid [deals with the case] where [the buyer] said to him [that the wine was required] for cooking. The [other] Braisa [deals with the case] where he did not say that it was required for cooking. Consequently, [if the expression used by the seller was], 'a cellar of wine' and [the buyer] had said to him, 'for cooking,' [the former] must give him a wine all of which is good. [If the seller said] 'this

cellar of wine,' and the buyer had said, 'for cooking,' he must give him a wine all of which is good, but [the buyer must] accept ten barrels of souring wine for [every] hundred. [If, however, the seller said], 'this cellar of wine,' but [the buyer] did not say, 'for cooking,' he may give him such wine as is sold in the shop.

The question was raised [as to] what [was the law when the seller said], 'a cellar of wine,' and [the buyer] did not say, 'for cooking.'

Rav Acha and Ravina are in dispute [on the matter]. One says [the buyer must] accept [ten barrels of souring wine for every hundred], and the other says, he does not need to accept.

He who said [that the buyer must] accept, deduces [the law] from the Braisa of Rav Zevid, which states, [that if the seller says], 'I sell you a cellar of wine,' he must give him a wine all of which is good; and it has been settled [that this refers to the case] where [the buyer] said to him, 'for cooking.' The reason, [then, is] because he said to him 'for cooking,' but had he not said, 'for cooking,' [he would have had to] accept. And he who says that [the buyer] need not accept, deduces [the law] from the [other] Braisa which states [that if the seller says, 'I sell you a cellar of wine,' he must give him a wine all of which is good; and it has been settled [that this refers to the case] where [the buyer] did not say, 'for cooking.'

The Gemora asks: According to he who deduces [the law] from that [Braisa] of Rav Zevid, is there no contradiction from the other Braisa?

The Gemora answers: [No]; it is as if something is missing, and this is the [additional] reading: This only applies [to the case] when he said to him, 'for cooking,' but if he did not say, 'for cooking,' he [must] accept. And [if he said], 'this cellar of wine' but did not say, 'for

cooking,' he may give him a wine which is sold in the shop.

The Gemora asks: And according to he who deduces [the law] from the [other] Braisa, is there no contradiction from that of Rav Zevid which has been explained [to refer to the case] where he said to him, 'for cooking,' [from which it may be inferred that] if he did not say to him, 'for cooking,' [he must] accept?

The Gemora answers: [No;] the same law, [that he need] not accept, [applies] even [to a case] where he did not say to him, 'for cooking,' and this [is the reason] why it had to be explained [to refer to the case] where he said to him, 'for cooking,' because there was a contradiction between 'this,' [in the last clause of the Braisa of Rav Zevid,] and 'this,' [in the second clause of the other Braisa]; [but in the case of the first clauses, there was no such contradiction].

Rav Yehudah said: Over wine which is sold in a shop, the blessing of 'the creator of the fruit of the vine' is to be said. And Rav Chisda said: Of what use is wine that is turning sour?

An objection was raised: Over bread which has become moldy and over wine that has spoiled, and over cooked food which has become spoiled, one says, '*She-hakol.*' [How, then, can Rav Yehudah say that over sour wine the blessing for proper wine is to be said]?

Rav Zevid replied: Rav Yehudah admits in [the case of] wine made of kernels, which is sold at [street] corners.

Abaye said to Rav Yosef: Here [is the opinion of] Rav Yehudah; here [that of] Rav Chisda; whose does [my] master adopt?

He replied to him: I know a Braisa where it has been taught: If one where someone wanted to drink wine,

and to separate the *terumah* from a different barrel. When he later went over to that barrel to do the actual separation, he found that the wine has turned to vinegar, rendering it unusable for *terumah*. During the first three days after thinking about the *terumah*, we can assume that the wine remained wine. Afterwards though, it is questionable whether it was wine or vinegar.

The Gemora asks: What does this mean?

Rabbi Yochanan said: It means as follows: during the first three days after it was found to be wine, the contents of the jug are regarded as being wine because in less than three days wine cannot turn into vinegar. Even if it began to turn sour immediately after the test, it could not be called vinegar until full three days had elapsed. The *terumah* given within those three days must inevitably have been wine and consequently have exempted the wine in the other jugs. After three days, the contents are regarded as doubtful wine, since it is possible that it turned into vinegar three days afterwards. As the *terumah* is accordingly of a doubtful nature, another portion must be set aside for the purpose. Rabbi Yehoshua ben Levi explains that during the last three days prior to the discovery that it had turned into vinegar; it is regarded as certain vinegar because the contents are deemed to be vinegar as soon as the wine begins to deteriorate. Prior to the three days, it is regarded as doubtful because it is unknown when the deterioration had begun.